

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DUARDO OLVERA, DELFINO OLVERA,
PRISCO SORIANO, FERNANDO PERALTA,
AND MODESTO PERALTA, *individually and
on behalf of others similarly situated,*

Plaintiffs,

No. 14-cv-1372(PAE)

- against -

BAREBURGER GROUP LLC, BAREBURGER INC.,
EAST 87 BURGERS LLC, (d/b/a 1681 FIRST
AVENUE BAREBURGER), EAST SIDE BURGERS
LLC (d/b/a 1370 FIRST AVENUE BAREBURGER),
BAREBURGER EAST SIDE LLC,
(d/b/a BAREBURGER), EURIPIDES PELEKANOS,
GEORGIOS RODAS, JOSEPH BUSUTTIL,
PANTELIS TZANIDAKIS, PETROS TZANIDAKIS,
GEORGIOS TZANIDAKIS, AND JOHN KAPSALIS,

**NOTICE OF MOTION
TO DISMISS**

Defendants.

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PLEASE TAKE NOTICE, that upon the Declaration of Salvatore J. Acquista, Esq. dated May 27, 2014, the exhibits attached thereto, the accompanying Memorandum of Law dated May 27, 2014, and upon all prior pleadings and proceedings, Defendants Bareburger Group, LLC, Bareburger, Inc., Euripides Pelekanos and Georgios Rodas, will move this Court, before the Honorable Paul A. Engelmayer, United States District Judge, at the United States District Courthouse in and for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an **Order**, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiffs' Amended Complaint in its entirety, as against the Defendants Bareburger Group LLC, Bareburger Inc., Euripides Pelekanos and Georgios Rodas, for failing to state a claim upon which relief may be granted, and granting such other and further relief as this Court may deem just, proper and equitable.

Dated: Queens, New York
May 27, 2014

Acquista & Associates, PC

By: s/ Salvatore J. Acquista
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Bareburger, Inc., Euripides Pelkanos
and Georgios Rodas

CERTIFICATE OF SERVICE

I, Salvatore J. Acquista, hereby certify that on May 27, 2014, a true and correct copy of foregoing NOTICE OF MOTION was served electronically via the Court's ECF System upon the below attorneys and that it is available for viewing and downloading from the ECF System.

Steven D. Hans & Associates, P.C.
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